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** Passed the Patent Bar Examination

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JUN 26 2001

TECH CENTER 1600/2900

June 18, 2001

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/602,740
Filed: June 23, 2000
Entitled: *Corynebacterium glutamicum* Genes Encoding Proteins
Involved In Carbon Metabolism and Energy Production
Inventors: Markus Pompejus *et al.*
Our Reference: BGI-126CP

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Preliminary Amendment and Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Copy of Notice to Comply with Requirements;
3. Transmittal Letter for Compact Disk Containing Substitute Sequence Listing;
4. Paper copy of Substitute Sequence Listing (pages 1-1,08);
5. Compact Disk containing Substitute Sequence Listing;
6. Request for One Month Extension of Time;
7. Check for \$110 for extension of time; and
8. Return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

June 18, 2001

Date

Elizabeth A. Hanley, Reg. No. 33,505

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Elizabeth A. Hanley
Reg. No. 33,505



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

TECH CENTER 1600/2900

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Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached CRF Problem Report.

2. Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached CRF Problem Report with the reply.

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Dr. Kathleen Kerr whose telephone number is (703) 305-1229. The Examiner can normally be reached on Monday-Thursday from 8:30-6:00 pm (Eastern Time) and 8:30-5:00 PM every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Ponnathapura Achutamurthy, can be reached at (703) 308-3804. The FAX phone number for group 1600 is (703) 308-4242.

An inquiry of a general nature or relating to the status of the application should be directed to the group receptionist whose telephone number is (703) 308-0196.


PONNATHAPURA ACHUTAMURTHY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1652

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/602,740

Filing Date: 6/23/2000

Date Processed by STIC: 11/22/2000

STIC Contact: Mark Spencer, 703-308-1112

Nature of Problem:

The CRF (was):

☐ (circle one) Damaged or Unreadable (for Unreadable, see attached)

☐ Blank (no files on CRF) (see attached)

☐ Empty file (filename present, but no bytes in file) (see attached)

☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.

☐ Not saved in ASCII text

☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.

☐ Did not contain a Sequence Listing. (see attached sample)

☒ Other:
Submitted disk was a ZIP disk. Per 1.824 of Sequence Rules, ZIP disks are not acceptable.

**PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR DETAILS:**

Checker Version 3.0

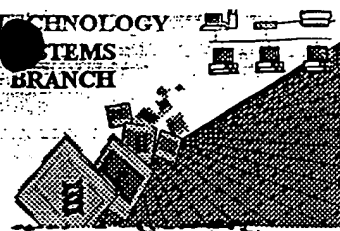
The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>



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